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Document Number: 2000BOGOTA06200

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ACTION WHA-00

RELEASED IN PART
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INFO	LOG-00	NP-00	AID-00	A-00	CA-02	CCO-00	CEA-01
	CG-00	CIAE-00	CTME-00	INL-00	DINT-00	DODE-00	DOT-00
	SRPP-00	DS-00	EB-00	EXIM-01	E-00	FAAE-00	FBIE-00
	VC-00	FRB-00	H-01	TEDE-00	INR-00	INSE-00	ITC-01
	L-00	VCE-00	MMP-00	M-00	AC-01	NRCE-00	NSAE-00
	NSCE-00	OCS-03	OES-01	OIG-03	OMB-01	OPIC-01	PA-00
	PM-00	PRS-00	ACE-00	P-00	SCT-00	SP-00	SSO-00
	STR-00	USIE-00	USSS-00	ASDS-01	EPAE-00	PMB-00	DSCC-00
	DRL-02	G-00	NFAT-00	SAS-00	/019W		

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P 172345Z JUL 00
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC PRIORITY 6092
INFO USDOC WASHDC PRIORITY
DEPT OF ENERGY WASHDC PRIORITY
DEPT OF TREASURY WASHDC PRIORITY
AMEMBASSY LIMA
AMEMBASSY CARACAS
AMEMBASSY QUITO
AMEMBASSY LA PAZ
AMEMBASSY PANAMA

C O N F I D E N T I A L BOGOTA 006200

STATE FOR WHA/AND, WHA/EPSC
STATE PASS OPIC FOR DMORENESE
STATE PASS EXIMBANK FOR AMERICAS DIVISION
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TREASURY FOR OASIA
COMMERCE FOR 4331/IEP/OLA/AND/GAISFORD AND FOR
3134/USFCS/OIO/WH/DLUTTER
ENERGY FOR HENRY SANTIAGO, DAVID PUMPHREY, AND GARY WARD

E.O. 12958: DECL: 07/14/10
TAGS: EPET, ENRG, PTER, PGOV, EINV, CO
SUBJ: COURT CHALLENGE TO OXY SPITTERS

CLASSIFIED BY AMBASSADOR CURTIS W. KAMMAN. REASONS:
1.5(B) AND (D)

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REFS: BOGOTA 5895

1. (C) OCCIDENTAL PETROLEUM (OXY) HAS INFORMED US THAT THE LATEST LEGAL EFFORT BY THE U'WA INDIANS TO PROHIBIT DRILLING IN THE SAMORE BLOCK HAS FAILED. THE U'WA INDIANS HAD FILED A TUTELA (A REQUEST FOR INJUNCTION BASED UPON A VIOLATION OF FUNDAMENTAL CONSTITUTIONAL RIGHTS) IN EARLY JULY CLAIMING THAT DUE PROCESS HAD NOT BEEN FOLLOWED IN THE GRANTING OF A RIGHT-OF-WAY FOR A ROAD TO OXY'S EXPLORATORY DRILL SITE, GIBRALTAR ONE (REFTEL). THE COURT RESPONDED TO THE TUTELA WITH A HARMLESS ORDER THAT THE LOCAL MAYOR, RAFAEL CARRILLO SUAREZ, MUST VERIFY OXY'S COMPLIANCE WITH THE DELIMITATIONS MADE ON THE GRANT OF THE RIGHT-OF-WAY, WHICH BECAME EFFECTIVE IN JANUARY 2000. REPRESENTATIVES FROM THE U'WA COMMUNITY, THE PROCURADURIA (ATTORNEY GENERAL'S OFFICE) AND OXY ACCOMPANIED THE MAYOR ON THE JULY 13 VERIFICATION VISIT AND LATER SIGNED A SET OF MINUTES CERTIFYING OXY'S COMPLIANCE WITH THE GRANT.

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2. (C) OXY HAD BEEN OPTIMISTIC THAT A FAVORABLE OUTCOME WOULD EMERGE FROM THE COURT PROCEEDINGS. [REDACTED]

[REDACTED] EXPRESSED HIS DELIGHT THAT THE COMPANY AVOIDED FURTHER OPERATIONAL DELAYS (AND THE ASSOCIATED COSTS) DURING THIS LATEST ROUND OF LEGAL MANEUVERING BY THE U'WA. NEITHER HE NOR WE, HOWEVER, ARE ENTIRELY CONFIDENT THAT THE NEXT LEGAL CHALLENGE DOES NOT LIE IN WAITING.

KAMMAN

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